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ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450,
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Audrey A. Boyd
November 16, 2004
Date

Attorney Docket No. B45053X1D1C3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Harford et al. November 16, 2004
Serial No.: 10/699,751 Group Art Unit No.: 1648
Filed: November 3, 2003 Examiner: M.M. McGaw
For: VACCINE AGAINST MUMPS CONTAINING A JERYL-LYNN VIRUS STRAIN

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION OVER A PRIOR PATENT UNDER
37 C.F.R. § 1.321 (c)**

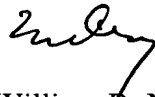
Assignee (herein referred to as "Owner"), SmithKline Beecham Biologicals s.a., of Rixensart, Belgium, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent Nos. 6,656,476 and 6,024,962. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs within any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Please charge the \$110.00 fee required by this Terminal disclaimer under 37 CFR 1.20(d) to Deposit Account Number 19-2570. Also, should the Commissioner determine that said fee is not sufficient to have the terminal disclaimer entered, the Commissioner is hereby authorized to charge any such fee that may be required by this petition or to credit any overpayment to said deposit account.

The undersigned is an attorney or agent of record.

Respectfully submitted,



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